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14 Mark Fichtner, and Daniel Stover

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SIDDHARTH HARIHARAN,
18 individually and on behalf of all others
19 similarly situated,

20 Plaintiff,

21 v.

22 ADOBE SYSTEMS INC., *et al.*,

23 Defendants.

24 Case No. C 11-2509 SBA

25 **[PROPOSED] ORDER GRANTING
26 PLAINTIFFS' UNOPPOSED
27 ADMINISTRATIVE MOTION TO
28 TRANSFER ACTIONS TO THE SAN JOSE
29 DIVISION**

30 BRANDON MARSHALL, individually
31 and on behalf of all others similarly
32 situated,

33 Plaintiff,

34 v.

35 ADOBE SYSTEMS INC., *et al.*,

36 Defendants.

37 Case No. C 11-3538 SBA

38 [Caption continued next page]

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1	MICHAEL DEVINE, individually and on behalf of all others similarly situated, Plaintiff, v. ADOB ^E SYSTEMS INC., <i>et al.</i> , Defendants.	Case No. C 11-3539 SBA
6	MARK FICHTNER, individually and on behalf of all others similarly situated, Plaintiff, v. ADOB ^E SYSTEMS INC., <i>et al.</i> , Defendants.	Case No. C 11-3540 SBA
11	DANIEL STOVER, individually and on behalf of all others similarly situated, Plaintiff, v. ADOB ^E SYSTEMS INC., <i>et al.</i> , Defendants.	Case No. C 11-3541 SBA

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17 **WHEREAS** all Plaintiffs in the above-captioned actions have filed an Unopposed
18 Administrative Motion to Transfer the Actions to the San Jose Division of the Northern District
19 of California;

20 **THE COURT HEREBY FINDS THAT:**

21 1. All five complaints allege Defendants engaged in a conspiracy with each other to
22 fix their employees' compensation. (*Hariharan* Compl. ¶ 1; *Devine* Compl. ¶ 1;
23 *Marshall* Compl. ¶ 1; *Fichtner* Compl. ¶ 1; and *Stover* Compl. ¶ 1.) Five of the
24 seven Defendants are headquartered in Santa Clara County. The five complaints
25 allege the other two Defendants, Pixar (headquartered in Alameda County) and
26 Lucasfilm Ltd. (headquartered in San Francisco County), reached agreements with
27 the Santa Clara County-based Defendants.

28 2. Plaintiffs in four of the five actions allege they were employed by a Defendant

1 headquartered in Santa Clara County. Plaintiffs Michael Devine and Brandon
 2 Marshall worked as software engineers for Defendant Adobe Systems Inc.,
 3 headquartered in San Jose. (*Devine* Compl. ¶ 21; *Marshall* Compl. ¶ 21.) Plaintiff
 4 Mark Fichtner worked as a software engineer for Defendant Intel Corp.,
 5 headquartered in Santa Clara. (*Fichtner* Compl. ¶ 21.) Plaintiff Daniel Stover
 6 worked as a software engineer for Defendant Intuit Inc., headquartered in
 7 Mountain View. (*Stover* Compl. ¶ 21.)

- 8 3. In the fifth action, Plaintiff Siddharth Hariharan worked as a software engineer for
 9 Defendant Lucasfilm Ltd., headquartered in San Francisco County. (Hariharan
 10 Compl. ¶ 19.) Hariharan alleges he was harmed by all Defendants' illegal
 11 agreements, including those in which the Santa Clara County-based Defendants
 12 participated. (*Hariharan* Compl. ¶¶ 19, 25, 48-85.)
- 13 4. Five of the seven Defendants—Adobe, Apple, Google, Intel, and Intuit—maintain
 14 their principal places of business in Santa Clara County. By Defendants'
 15 estimates, these five Defendants employed at least 98% of class members. These
 16 five Defendants allegedly negotiated, finalized, implemented, and enforced
 17 agreements to eliminate competition among each other, within Santa Clara
 18 County. (*Devine* Compl. ¶¶ 61-96; *Marshall* Compl. ¶¶ 61-96; *Fichtner* Compl.
 19 ¶¶ 61-96; and *Stover* Compl. ¶¶ 61-96.) Thus, the majority of the percipient
 20 witnesses, relevant documents, and defendants will be located in Santa Clara
 21 County.
- 22 5. Because a substantial part of the events and omissions which give rise to Plaintiffs'
 23 claims occurred in Santa Clara County, venue in the San Jose Division is
 24 appropriate. Civ. L.R. 3-2(c). In addition, it will be more convenient for the
 25 parties and witnesses and in the interests of justice for all five cases to proceed
 26 before a Judge in the San Jose Division. Civ. L.R. 3-2(h).
- 27 6. Transfer to the San Jose Division pursuant to Civil Local Rule 3-2(h) is
 28 appropriate. *See, e.g., Rivera v. Hewlett Packard Corp.*, Case No. 03-0939, 2003

1 WL 24029472, at *1-*2 (N.D. Cal. Apr. 22, 2003) (Armstrong, J.) (granting
2 Hewlett Packard's motion for transfer to the San Jose Division in an unlawful
3 termination case, because Hewlett Packard maintained its principal place of
4 business in Santa Clara County); *Baltazar v. Apple Inc.*, Case No. 10-3231, 2010
5 WL 4392740, at *1 (N.D. Cal. Oct. 29, 2010) (White, J.) (granting Apple's motion
6 for transfer to the San Jose Division in a product defect case regarding the iPad,
7 where the design and development of the iPad occurred in Santa Clara County, and
8 the advertising and marketing plans were developed there as well).

9 **ACCORDINGLY, FOR GOOD CAUSE SHOWN, THE COURT HEREBY**
10 **ORDERS THAT:** the following actions are transferred to the San Jose Division of the Northern
11 District of California:

12 1. *Hariharan v. Adobe Systems Inc., et al.*, Case No. 11-CV-2509-SBA;
13 2. *Marshall v. Adobe Systems Inc., et al.*, Case No. 11-CV-3538-SBA;
14 3. *Devine v. Adobe Systems Inc., et al.*, Case No. 11-CV-3539-SBA;
15 4. *Fichtner v. Adobe Systems Inc., et al.*, Case No. 11-CV-3540-SBA; and
16 5. *Stover v. Adobe Systems Inc., et al.*, Case No. 11-CV-3541-SBA.

17 **IT IS SO ORDERED.**

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19 Dated: _____

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SAUNDRA BROWN ARMSTRONG
21 United States District Judge
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